

GJC RR&DS Parking Lot

1. LAPR would like to have legal authority to allow it to open a sealed file or sealed document after a period of time. Without such authority, the current position appears to be that a file or document, sealed by a judge, is sealed forever – unless subsequently opened by the court.
2. The proposed retention period with the court for juvenile delinquency case files is, “After satisfaction of A.R.S. § 8-349 or 25 years following the year the case is filed.” Juvenile delinquency case files, unlike juvenile adoption case files, are presently not permanent records. If juvenile delinquency case files are to be designated as permanent records, requiring transfer to LAPR after 25 years, the files would be open to researchers at LAPR. By comparison, juvenile *adoption* case files have a retention period with the court of 100 years. Adoption files are closed *by statute* for 100 years. (See A.R.S. § 8-121) Once 100 years has expired, juvenile adoption case files are transferred to LAPR, where the files are open to researchers.

The committee recommends that a statute be enacted to enable juvenile delinquency case files to be sent to LAPR, as permanent records, after 25 years with the court, and to be opened by LAPR to researchers after 100 years. Juvenile delinquency case files are a valuable resource for researchers, but harm could be caused to the individuals who are the subject of these cases if the files are opened by LAPR after 25 years. These cases – the legal files – are currently open at the court; however, the files are easier for researchers to access, in bulk, at LAPR.

The committee does not believe it has the authority to require LAPR to keep these case files, once received, closed for 100 years – without statutory authority. Instead, under the new schedule, the committee will require clerks to destroy juvenile delinquency case files after 25 years.

As an additional consideration, the committee recognizes that, under A.R.S. § 8-349, a juvenile may request that his or her case file be destroyed. If granted by the judge, these case files will never go to LAPR as permanent records – even with a new statute as suggested here.